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Attorney for Defendant  
TROY URIE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY URIE,

Defendant.

2:03-cr-0534 KJM

STIPULATION AND ORDER  
CONTINUING BRIEFING  
SCHEDULE; EXCLUSION OF TIME

Date: March 24, 2011

Time: 10:00 a.m.

Judge: Honorable Kimberly J. Mueller

The United States of America, through Assistant U.S. Attorney Heiko Coppola, and defendant Troy Urie, through his counsel Scott L. Tedmon, hereby stipulate and agree as follows:

1. On December 20, 2010, defendant Urie filed a motion regarding sentencing collateral estoppel. Prior to the filing of the motion, United States District Court Judge Frank C. Damrell, Jr. excluded time under the Speedy Trial Act through February 22, 2011, which was the date set for hearing on the motion, under 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], complex case and counsel's need for time to prepare. Since the filing of the motion, this case has been reassigned to United States District Court Judge Kimberly J. Mueller. The hearing on defendant Urie's sentencing collateral estoppel motion has been reset for Thursday, March 24, 2011 at 10:00 a.m. before Judge Mueller.

2. This case is complex in that the Indictment charges facts which involve multiple jurisdictions, some located across the United States. Additionally, there are legal issues involving

1 alleged conduct in other federal jurisdictions which involve ongoing litigation. Specifically, the  
2 facts presented by the government in Mr. Urie's Northern District conviction included conduct  
3 charged in this case, raising the issue of double jeopardy and collateral estoppel. This issue is  
4 currently being litigated in the Ninth Circuit.

5 3. On December 20, 2010, defendant Urie filed a motion with respect to the issue of  
6 collateral estoppel regarding sentencing and the government has not filed their response. Taking  
7 into account the nature of the issue raised by defendant Urie, along with government counsel's trial  
8 schedule, the government needs additional time to prepare their response to defendant Urie's motion.  
9 As such, the parties have agreed on the following amended briefing schedule:

10 Government response is due on or before Thursday, March 3, 2011.

11 Defense reply is due on or before Thursday, March 17, 2011.

12 Non-evidentiary hearing on motion: Thursday, March 31, 2011 at 10:00 a.m.

13 In addition to this legal issue, the defense continues to conduct their investigation and review  
14 of the case, and is currently proceeding in the Ninth Circuit on an interlocutory appeal on a separate  
15 issue. Based on these factors, the parties stipulate that the Court's finding of complexity and  
16 counsel's need for time to prepare pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv) is appropriate.

17 4. The parties stipulate and agree this Court should find that time be excluded under the  
18 Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], and  
19 that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

20 5. Accordingly, it is hereby stipulated and the parties agree that time be excluded from  
21 February 22, 2011 through March 31, 2011 under the Speedy Trial Act pursuant to 18 U.S.C.  
22 §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that this case is complex, counsel for the  
23 parties need time to prepare, and that the ends of justice outweigh the best interest of the public in  
24 a speedy trial.

25 6. Additionally, the parties stipulate and agree that time should also be excluded under 18  
26 U.S.C. § 3161(h)(1)(D) [Local Code E] for delay related to the filing of pretrial motions, from the  
27 filing of the motion on December 20, 2010 through the conclusion of the hearing on March 31, 2011.  
28

1           7. Courtroom Deputy Clerk Casey Schultz has confirmed the requested hearing date of  
2 March 31, 2011 is available for Judge Mueller.

3           8. Scott L. Tedmon has been authorized by the government's counsel to sign this stipulation  
4 on his behalf.

5  
6 **IT IS SO STIPULATED.**

7  
8 DATED: January 27, 2011

BENJAMIN B. WAGNER  
United States Attorney

9  
10 /s/ Heiko Coppola  
HEIKO COPPOLA  
Assistant United States Attorney

11  
12 DATED: January 27, 2011

LAW OFFICES OF SCOTT L. TEDMON

13  
14 /s/ Scott L. Tedmon  
SCOTT L. TEDMON  
Attorney for Defendant Troy Urie

**ORDER**

GOOD CAUSE APPEARING and based upon the above stipulation, the Court adopts the amended briefing schedule on the issue of sentencing collateral estoppel. Accordingly,

IT IS ORDERED:

Government response is due on or before Thursday, March 3, 2011.

Defense reply due on or before Thursday, March 17, 2011.


Non-evidentiary hearing on motion: Thursday, March 31, 2011 at 10:00 a.m.

IT IS FURTHER ORDERED by this Court that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], time is excluded from the time computations required by the Speedy Trial Act through March 31, 2011, in that this case is complex, that counsel needs additional time to prepare, and that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

IT IS FURTHER ORDERED by this Court that pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E] time is excluded from the time computations required by the Speedy Trial Act based upon delay resulting from the filing of defendant Urie's pending pretrial motion, from the filing date of the motion on December 20, 2010 through the conclusion of the hearing on March 31, 2011.

**IT IS SO ORDERED.**

DATED: February 1, 2011.

  
UNITED STATES DISTRICT JUDGE